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**OFFICE OF PETITIONS**

In re Application of :  
SCHOENROCK et al. :  
Application No.: 09/132,799 :  
Filing Date: 13 August 1998 : **DECISION**  
Attorney Docket No.: BEIERSDORF-5 :  
For: COSMETIC OR DERMATOLOGICAL :  
PREPARATIONS COMPRISING OLIGOPEPTIDES :  
FOR LIGHTENING OF THE SKIN OF AGE MARKS :  
AND/OR PREVENTING TANNING OF THE SKIN, IN :  
PARTICULAR TANNING OF THE SKIN CAUSED BY :  
UV RADIATION :

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)" filed in the United States Patent and Trademark Office (USPTO) on 24 August 2004.

**BACKGROUND**

The application was filed under 35 U.S.C. 111 on 13 August 1998.

On 08 October 2002, a final rejection was mailed which set a three-month shortened statutory period for review.

On 06 March 2003, applicants filed a petition/fee for a one-month extension of time and a Notice of Appeal. The submission included an authorization to charge any additional fee required to Deposit Account No. 14-1263.

On 06 May 2003, applicants filed an Appeal Brief.

On 11 August 2004, a Notice of Abandonment was mailed indicating that the application was abandoned for failure to timely file a reply to the Office letter mailed 08 October 2002.

On 24 August 2004, applicants filed the instant "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)."

**DISCUSSION**

As noted above, the Notice of Appeal and petition/fee for an extension of time filed 06

March 2003 are located in the application file, as is the Appeal Brief filed 06 May 2003. Although the submission filed 06 March 2003 mistakenly asked for a one-month extension of time rather than a two-month extension of time, the submission included an authorization to charge any additional fee required to Deposit Account No. 14-1263. Accordingly, a two-month extension of time fee has been charged to that Deposit Account.

The Notice of Abandonment mailed 11 August 2004 was sent in error and is hereby VACATED.

**CONCLUSION**

For the reasons set forth above, the petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the Notice of Abandonment mailed 11 August 2004 is **VACATED**.

The application is being forwarded to Technology Center 1600 for action on the Appeal Brief filed 06 May 2003.



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